

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:08CV235
)	
V.)	
)	
\$231,930.00 IN UNITED STATES)	FINAL ORDER OF FORFEITURE
CURRENCY,)	
)	
Defendant.)	
_____)	

This matter is before the court on the parties' amended joint motion for final order of forfeiture ([filing 52](#)). The court, being duly advised in the premises, finds as follows:

1. On June 6, 2006, an Amended Verified Complaint for Forfeiture, an Amended Notice of Seizure and Procedure and Warrant for Arrest *In Rem* were filed by the United States Attorney's Office, seeking forfeiture of Defendant property ([filing 7](#)). On July 7, 2008, the Warrant for Arrest of property *In Rem* was executed on Defendant property by the U.S. Marshals Service ([filing 10](#)).

2. The court entered an order on June 9, 2008, directing the United States to publish notice of this action and of the arrest of Defendant property commencing the week of June 16, 2008 ([filing 9](#)). By way of said published notice, any person claiming an interest in Defendant property was to file a claim within thirty days of the final publication date of said notice, and was to file an answer to Plaintiff's Amended Verified Complaint for Forfeiture within twenty days from the date said claim had been filed in response to the published notice.

3. On July 21, 2008, an Affidavit of Publication was filed, stating that the notice was published in accordance with the court's order ([filing 12](#)).

4. Bartosz Marek Kupezyk ("Claimant") was served notice of the Amended Verified Complaint, Amended Notice of Seizure and Procedure and Warrant *In Rem* by certified mail and, on August 1, 2008, he filed a Claim and an Answer ([filing 16](#)).

5. The court has been advised by the United States that no other person or entity has filed a claim or an answer asserting an interest in Defendant property ([filing 53](#)). From a review of the court file, the court sees no evidence of any such filing.

6. On September 12, 2008, Claimant filed a motion to suppress all evidence obtained during a traffic stop of his vehicle which occurred on February 4, 2008, and for an order dismissing this case and returning Defendant property to Claimant ([filing 18](#)).

7. Claimant's motion to suppress was denied by Magistrate Judge Piester on February 27, 2009 ([filing 34](#)). Claimant appealed the Magistrate Judge's ruling and the undersigned denied the appeal ([filing 42](#)).

8. In the amended joint motion for final order of forfeiture presently before the court, Claimant represents that he does not oppose said motion. Claimant agrees that, following the denial of his motion to suppress, there is now sufficient evidence before the court for the forfeiture of Defendant property pursuant to [21 U.S.C. § 881\(a\)\(6\)](#). Claimant advises the court, however, that he wishes to reserve the right to appeal the denial of his motion to suppress ([filing 52](#)).

9. Given the foregoing, the parties' amended joint motion for final order of forfeiture ([filing 52](#)) should be granted and Claimant's right to appeal the denial of his suppression motion should be reserved.

IT IS ORDERED:

- A. The parties' amended joint motion for final order of forfeiture ([filing 52](#)) is granted;
- B. All right, title or interest in or to the Defendant property (\$231,930.00) held by any person or entity, except Claimant Bartosz Marek Kupczyk, is forever barred and foreclosed;
- C. Defendant property is hereby forfeited to the United States of America;
- D. Defendant property shall be disposed of in accordance with law;
- E. Claimant Bartosz Marek Kupczyk's right to appeal the Magistrate Judge's denial of his motion to suppress evidence ([filing 34](#)) and the undersigned's denial of the appeal of said order ([filing 42](#)) is hereby reserved.

August 20, 2009.

BY THE COURT:

Richard G. Kopf

United States District Judge